



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

WORKING SESSION MEMORANDUM

DATE: May 25, 2012

TO: Alderman Marcia Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning
Seth Zeren, Chief Zoning Code Official

RE: #150-09(3) Aldermen Albright, Johnson, and Linsky proposing that a parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4.

MEETING DATE: Working Session on May 29, 2012

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

EXECUTIVE SUMMARY

In June 2011, a Joint Advisory Planning Group (JAPG) and City Planning staff produced reports containing recommendations for the redevelopment of the City-owned Austin Street parking lot in Newtonville. Both reports recommended rezoning of the parcel of land currently occupied by a municipal parking lot from public use in order to allow mixed-use development, citing the Business 4 District (BU4) as one that would allow the intensity of development recommended by the JAPG. However, some dimensional standards of the BU4 zone, such as maximum height and number of stories, may not be appropriate for village centers. After reviewing the various considerations, the Board of Aldermen recommended that "the property should be rezoned concurrently with the

issuance of a Request for Proposals to an appropriate zone that allows a mixed-use project on the site” in B.O. 150-09(6), authorizing the sale or lease of the property (Attachment A). Unlike the Station at Riverside, for which the MU3/TOD was developed, the Austin Street area is not a unique site, but rather a classic example of Newton’s historic village centers that could benefit from zoning that will ensure that future development is compatible with its context, enlivens the street, and allows for economically viable development. Therefore, the Planning Department proposes a new zone that is similar to BU4, but more appropriate for village centers: the Mixed-Use/Village Center District.

BACKGROUND AND PLANNING CONTEXT

By the early 20th Century, Newton’s commercial village centers had grown into dense, walkable, mixed-use communities. Shops, residences, workplaces, and civic amenities shared three- and four-story buildings. In the second half of the century, many of these buildings were replaced by single-story structures served by multiple parking lots, which reduced the density and diversity of uses in Newton’s villages. Today, best practices in Planning, as well as market forces are moving towards higher-density, mixed-use development to restore the variety of services the villages once enjoyed, improve walkability and transit access, and provide a greater diversity of housing options.

Along these lines, initial discussions about the reuse of the City’s Austin Street parking lot for mixed-use development began in 2005. Over the years since, the Planning Department and community explored the option of redevelopment through design charrettes, community workshops, and public meetings. In March 2011, the Board of Aldermen appointed a Joint Advisory Planning Group (JAPG) to consider the reuse of the site. In June 2011, the JAPG submitted “The JAPG Report Austin Street Parking Lot” (Attachment B), spelling out the group’s recommendations. The Planning Department supports the JAPG’s recommendations with only slight variations, one of which was the question as to whether the BU4 zone is appropriate in this location (Attachment C).

Key Recommendations of the JAPG

The JAPG agreed that the redevelopment of the Austin Street lot should be the “spark that lights the fire of rejuvenation in the Newtonville Village.” The JAPG imagined a multi-story, mixed-use building(s) set close to the street and in keeping with the existing context of Newtonville. In particular, the JAPG recommended that any development on the Austin Street lot include the following elements:

1. A building that is compatible with its context, including but not limited to compatibility in visual scale
2. A maximum (instead of minimum) setback to bring the building to the street along at least a portion of the Austin Street frontage
3. A transparent street façade that provides several pedestrian access points into the building and/or the lot

4. A minimum of 18 housing units on-site, at least 25% of which are affordable and eligible for inclusion on State's Subsidized Housing Inventory (SHI) and of which 5% are accessible to persons with mobility disabilities
5. At least 5,000 square feet of nonresidential floor area that would help enliven the village center
6. Open space equal to at least 5% of the developable lot
7. A minimum of 85 public parking spaces and enough additional parking stalls to meet the needs of the new uses on the site

These recommendations served as the starting point for the Planning Department's consideration of the best way to rezone the Austin Street lot to achieve the vision of the JAPG.

ANALYSIS

Are any of Newton's existing zones appropriate for the proposed development?

In considering the proposed rezoning of the Austin Street parcel, Planning Department staff first looked at the City's existing zoning districts. The majority of Newtonville is zoned Business 1 (BU1); however, the BU1 zone allows up to three stories only by special permit and the JAPG report suggested that a relatively taller building, perhaps five stories, would be desirable to accommodate all the public and private benefits sought. The only zone that allows a building height of five stories is the BU4. However, the BU4 zone is the most intense zone in the City and allows buildings of up to eight stories, which would not be appropriate in village centers. In addition to concern over building height and overall density, the JAPG report called for a number of additional zoning tools that are not available in any existing Newton zoning district, including employing maximum setbacks, and requiring street level transparency.

A new Mixed-Use/Village Center District could enable the appropriate redevelopment of the Austin Street lot and in the future could be applied to other portions of Newtonville or other village centers to encourage their revitalization. The Village Center District would only take effect as parcels are rezoned by act of the Board of Aldermen and could be incrementally applied to control the rate of redevelopment and minimize any detrimental impacts from new development.

Which JAPG recommendations should be included in a new Village Center District?

Planning staff divided the recommendations from the JAPG's report into two categories: those which are policy goals specific to the Austin Street site and those which are general zoning goals that might be applicable elsewhere in village areas (see the table below).

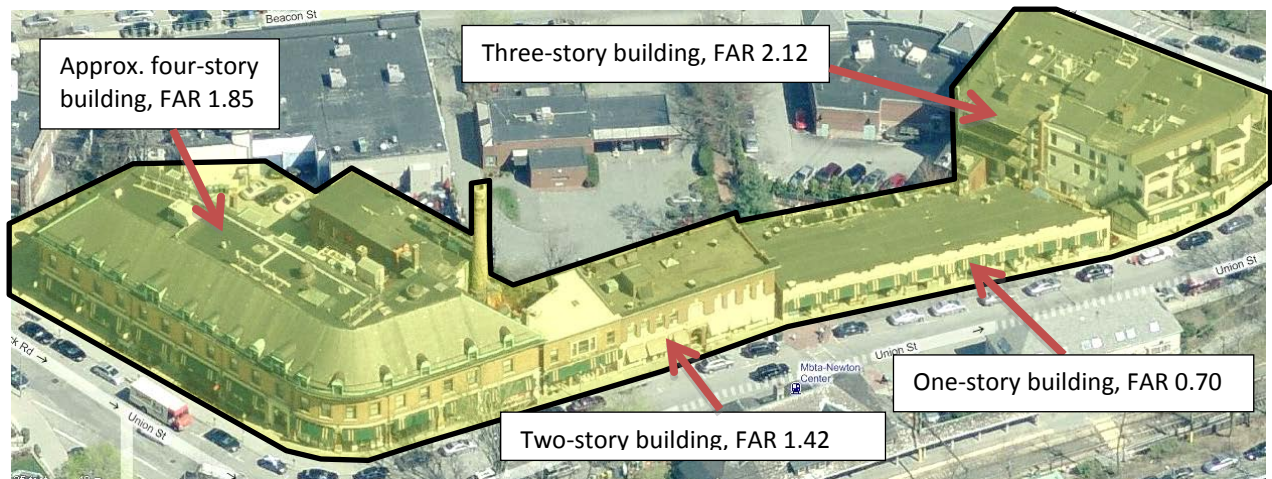
General zoning goals for villages	Site-specific policy goals
<ul style="list-style-type: none"> • Compatibility with village context, including visual scale • A maximum setback along at least a portion of the street frontage • Encourage active uses • A transparent street façade, multiple pedestrian access points into the building and the lot 	<ul style="list-style-type: none"> • Minimum of 18 housing units on-site, at least 25% affordable and 5% accessible • At least 5,000 square feet of non-residential floor area for active uses • 5% open space • Minimum of 85 public parking stalls in addition to parking to support uses

While the Planning Department generally supports the site-specific policy goals identified in the right-hand column, staff also notes that they are relevant to the specific situation (size, location, and existing uses) of the Austin Street lot. For example, requiring 5% open space from every individual small lot in a village center is unlikely to produce a significant public amenity, and instead would serve as an impediment to desirable development. On the other hand, a nearly two-acre parcel such as Austin Street *could* generate a significant public open space in an area that lacks a unifying public center. As the City controls the parcel, it may be more appropriate to achieve site-specific goals through the RFP process or deed restrictions, rather than general zoning; however, Planning staff is exploring the potential to require a contribution towards publicly-accessible open space that could create shared amenities in preferred locations within a village.

How would a new Village Center Zone implement the JAPG recommendations?

Working from the recommendations of the JAPG report, Planning staff considered how the general zoning goals described above could be implemented.

- **Visual scale:** The JAPG report calls for new development in village centers to be compatible in visual scale to existing and historical patterns of development. This translates to a limit of approximately five stories to reflect the historic scale of village center buildings and the necessary scale to achieve the public benefits contemplated in the JAPG report. To minimize the visual impact of four- or five- story buildings, the ordinance could require upper floors to be stepped back from the street. A minimum height of two stories could also be required to encourage adequate density of mixed uses to support an inviting pedestrian environment. In order to allow and encourage three-, four-, and five-story buildings on the small lots of Newton’s village centers, staff recommends allowing an FAR of 1.5 by right and an FAR of up to 2.5 by special permit. The current maximum FAR of 1.5 by special permit in the BU1 zone (common in village centers) would prohibit the construction today of such iconic buildings as the Masonic Hall in Newtonville and much of Union Street across from the “T” in Newton Center.



Union Street in Newton Centre

The Floor Area Ratio (FAR) limit sets a hard ceiling on the density of development. An FAR limit of 2.0, for example, would mean that a building like 47-61 Langley Rd. (FAR 2.12) could not be constructed. In village centers where individual lots are small and three- to four-story structures are desired, an FAR limit of at least 2.5 is preferable. For example, the area of Newton Centre (highlighted above) includes parcels with a range of FARs. For the middle parcels to be redeveloped with three- to four-story mixed-use buildings consistent with the historical pattern of development, the FAR of each parcel would be between 2.0 and 2.5. Since most new developments in Newton's village centers will be either redevelopment or infill, the Planning Department believes that new structures should blend harmoniously with the village's existing buildings. The special permit process, the height limit, and the requirement for stepped-back upper floors would work to ensure that the proposed structures enhance the village center and do not overwhelm it.

- Setbacks and orientation:** The JAPG report calls for new development to be built close to the public way to create a lively pedestrian environment. To achieve this, staff recommends that the new zone require maximum setbacks (sometimes known as "build-to lines") instead of minimum setbacks. By not requiring side setbacks, buildings can form a continuous street wall creating a sense of enclosure and identifiable place that encourages pedestrian activity and contrasts with the feel of buildings set far back from the sidewalk and surrounded by surface parking.
- Active uses:** The JAPG report calls for nonresidential uses on the ground floor to enliven the area. When street-level businesses draw minimal foot traffic or close early and on weekends (such as banks and professional offices), they do little to support a lively village economy. Planning staff recommends that low-activity uses be allowed at street-level only by special permit, thereby increasing opportunities for active uses such as restaurants, shops, and services that are open late and on the weekends. Street-level lobbies can be allowed to supply elevators, stairs, or ATM's for low-activity uses located on upper floors. At the same time, residential uses in the Village Center District can be incentivized to bring even more vitality to the village environment. Over the past decades, village centers have seen upper floor residential uses converted into offices. An incentive

for providing residential uses, such as a bonus floor, could stimulate the development of residential mixed-use buildings close to transit and spur the creation of new types of housing in Newton as elucidated in the *Newton Comprehensive Plan*.

- **Transparency and pedestrian character:** The JAPG report recommends that development on the Austin Street lot provide street-level transparency into the building and provide several points of access into and through the building to make the street more welcoming. Rules requiring street-level transparency have become a feature of form-based, mixed-use village zoning around the country. By requiring a certain percentage of the façade to be transparent, street-level uses will help enliven the street rather than presenting blank, deadening walls. Similarly, form-based zoning can require entrances be regularly located along a larger building so that the uses interact with the street in a fine-grained fashion, rather than funneling all pedestrians to a single gate in a larger wall.

What other features should be considered?

- **Parking:** Village areas benefit from a mix of uses and the option for shared parking so that customers can park once and walk from shop to shop. Similarly, many of Newton's village centers are more accessible via public transit, foot, and bicycle than commercial corridors like Needham Street, reducing the overall demand for parking. However, Newton's existing parking regulations treat a restaurant in Newtonville the same as one on Needham Street. Planning staff considered whether the parking ratios should be adjusted to account for more walkable areas, such as has been done in Brookline and Cambridge. Parking-in-lieu fees and parking management in general, are currently under discussion with the Zoning and Planning Committee; as such, no specific deviations from existing parking standards for a Mixed-Use/Village District are proposed at this time.
- **Design Guidelines:** Another way to achieve context-sensitive design would be to create design guidelines that more specifically articulate aesthetic preferences. The Zoning Reform Group recommended design guidelines among its three themes for zoning reform: 1) respect the unique character of each village, 2) encourage mixed-use redevelopment in village centers, and 3) create "soft transitions" between village centers and residential neighborhoods. Design guidelines could include features like building articulation, size, location, and materials, rooflines, location of doorways and windows, and the provision of public space. They could be site-specific or village-based (such that each village might eventually have its own guidelines). Given the unique character of each village, it is unlikely that one standard will be appropriate for all villages. The Planning Department is investigating the legal status of design guidelines in Massachusetts to determine whether there are limits to their regulatory authority and how they might best apply to Austin Street, specifically and to village centers in general.

- **Special permit for development over 20,000 square feet:** The Zoning Reform Group also recommended that zoning regulations should better illustrate the type of development that Newton wants; this, in turn, may reduce the need for special permits. Currently, new development between 10,000 and 19,999 square feet of floor area in business and mixed-use zones requires site plan approval; a special permit is required for a structure with more than 20,000 square feet of floor area. In reality, the size of a building does not by itself define the impact on its surroundings. A 20,000 square foot building on a large lot may have minimal impacts on its surroundings compared with a 9,000 square foot building on a small lot. Furthermore, most redevelopment in our village centers will likely require a special permit for parking, FAR, building height or another feature. Therefore, this provision may be redundant where density and dimensional controls already guide building form to compatibility with the neighborhood and other special permit thresholds provide for added levels of review. This is a policy matter that the Board should consider.

COMPARISON OF EXISTING ZONES AND SAMPLE VILLAGE DISTRICT

Feature	BU1	BU4	Proposed Village Center
Height/Stories	2 stories (3 by SP)	3 stories (8 by SP)	3 stories (5-6 by SP)
FAR	1.0 (1.5 by SP)	1.5 (3.0 by SP)	1.5 (2.5 by SP)
Setbacks and building orientation	Minimum setback	Minimum setback	Maximum setback
Active Uses	Not addressed	Not addressed	Low-activity uses by SP at street level
Street-level access and transparency	Not addressed	Not addressed	Required

NEXT STEPS

Staff welcomes comments and questions on possible changes to the BU4 zone district to encourage the type of development desired in the City's village centers. Based on Committee feedback, the Planning Department will develop a draft text for the Committee to review that incorporates interests of the Committee.

ATTACHMENT A: Board Order #150-09(6), dated February 6, 2012

ATTACHMENT B: The JAPG Report Austin Street Parking Lot, dated June 20, 2011

ATTACHMENT C: Planning Department Memorandum, dated June 20, 2011

#150-09(6)

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 6, 2012

That, pursuant to Section 2-7 of the Revised Ordinances of 2007, as amended, after a public hearing and upon recommendation of the Real Property Reuse Committee through its Chairman Susan S. Albright, it is hereby

ORDERED:

That His Honor the Mayor be and is hereby authorized to sell or lease the land commonly known as the Austin Street parking lot property located at 28 Austin Street, containing approximately 74,536 square feet of land, identified as Section 24, Block 9, Lot 15, in Newtonville, Ward 2, located in a Public Use zoned district, and, the property shall be sold or leased, subject to the minimum financial terms and conditions as voted by the Honorable Board of Aldermen as set forth as follows:

TERMS OF SALE OR LEASE

The Board sets the value of the land for sale or lease as nominal, but requiring a monetary bid, to provide flexibility to select a proposal that balances the bid offered in answer to the Request for Proposals with the amenities and public benefits offered which benefit the city as referenced in this board order. The sale or lease price will include a minimum of 85 parking spaces for the City's use at no cost to the City.

FURTHER BE IT RESOLVED:

1. That the site shall be used for a mixed-use development with no less than 18 housing units and 5,000 square feet of commercial or non-residential space on the first floor that can attract people to and enliven the area.
2. That the property should be rezoned concurrently with the issuance of a Request for Proposals to an appropriate zone that allows a mixed-use project on the site.
3. That 25% of the housing units shall be affordable to low- and moderate-income residents and shall be eligible for inclusion on the State's Subsidized Housing Inventory.
4. That the architectural design should be both appealing and compatible in scale with the surrounding area.

5. That the development should be consistent with the economic development and housing goals established in the *2007 Newton Comprehensive Plan* to promote vibrant attractive village centers through the development of housing above retail and the expansion of retail/commercial services within walking distance of residential neighborhoods.
6. That the development should be physically, financially and legally feasible for the purchaser or lessee.
7. That the City shall provide sufficient information to the developer regarding the existing site conditions including, but not limited to, land surveying, contamination, adequacy of water and sewer services, and traffic data that may help determine the need for additional infrastructure improvements and/or development costs provided that that gathering of such information can be performed in-house and within existing departmental budgets.
8. That the City shall work with the developer to address the infrastructure needs identified on page 5 of the Joint Advisory Planning Group Report.
9. That the Mayor shall appoint a committee comprised of individuals with expertise in fields including but not limited to architecture, development, and housing, and which also shall include representatives from the Board of Aldermen, to consult with the Mayor and evaluate the proposals received by the City.
10. That funds at least equal to the monetary bid received for the sale or lease of the property be used to enhance the redevelopment of the site and improve Newtonville center more generally.

Under Suspension of Rules

Readings Waived and Adopted

16 yeas 6 nays (Aldermen Baker, Ciccone, Fuller, Gentile, Lappin, and Swiston)

2 absent (Aldermen Salvucci and Sangiolo)



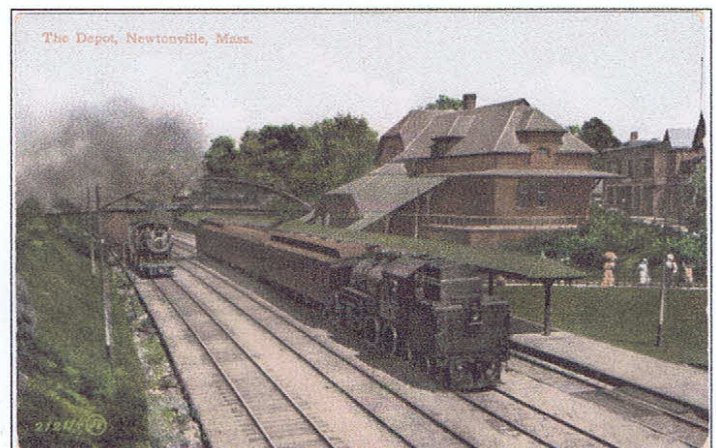
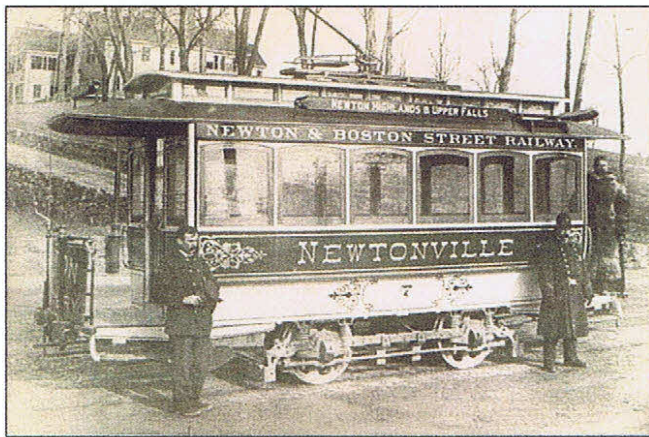
(SGD) DAVID A. OLSON
City Clerk



(SGD) SETTI D. WARREN
Mayor

2011

The JAPG Report Austin Street Parking Lot



THE ORIGINAL TRANSIT ORIENTED DEVELOPMENT

June 20, 2011

TABLE OF CONTENTS

INTRODUCTION	1
FINDINGS AND RECOMMENDATIONS	3
Physical Design	5
Housing	5
Enlivening Uses	6
Open Space	6
Parking	6
Infrastructure	7
Zoning	7
Developer Selection and Agreements	8
Mechanics of Developer Selection	8
Matters for City Clarification	10
APPENDICES	
A. Where We Are Coming From	12
B. Austin Street Lot Vicinity Sketch	14
C. Newtonville Map, 1913	15

JOINT ADVISORY PLANNING GROUP MEMBERS

Rob Caruso

Cathy Farrell

Adel Foz

Phil Herr, Vice-Chair

Judy Jacobson

Jack M Leader, Chairman

David Morton

Carol Ann Shea

Jane Shoplick

Barbara Smith-Bacon

F. Robert Tafel

Giles Taylor

John Wilson

Ken Wong

Staff Assistance by Eve Tapper, Chief Planner, Current Planning

June 20, 2011

I wish to thank all of the members of the JAPG for their work over the last 90 days. The values that are contained in this report reflect the values of the people of Newton who come together for the common good. This report and the work it represents would not be possible without people who love Newton and its environs.

Looking to Newton's future, we must make sound choices that will provide for the prosperity of all.

Jack M Leader

INTRODUCTION

The Austin Street parking lot Joint Advisory Planning Group (JAPG) was tasked to provide a vision of how reuse of this site might be catalytic in improving the future of Newtonville Village. Our group, comprised of 14 very thoughtful citizens of Newton, of which 7 were appointed by the Mayor and 7 by the Aldermen, including several direct abutters of the Austin St Parking Lot. The JAPG sifted through numerous preliminary reports and studies and engaged in wide ranging discussions regarding the Austin Street parcel. The point of this exercise was to make thoughtful recommendations to the Mayor and the Board of Aldermen regarding the future use of this valuable city resource.

After looking at such issues as commercial space, housing, infrastructure, open space, parking, physical design and zoning the JAPG has concluded that more than any other single criterion the capacity for this project to serve as the spark that lights the fire of rejuvenation in the Newtonville Village is paramount to all other issues influencing this project.

What should be built there?

The site can and should accommodate an exemplary mixed use development. The reuse would be dominantly housing, but importantly would also include one or more non-residential uses that would attract people to and enliven the vicinity. Parking to serve both new and existing demands would be a major part of the complex, likely divided between some surface and more structured parking. In essence, development would rebuild an urban environment within the confines of a village square that is already a transportation center. The building should reflect these strongly supported desires, among others (see page 7):

- An outcome that succeeds in attracting people to and enlivening the area
- Affordable housing that well serves the City's objectives
- An architectural design that would be both
 - Appealing and
 - Compatible in Scale
- A development that is likely to be physically, financially and politically feasible.

A portion of the residential piece of this project will be allocated to serve the low and moderate income base and at the same time attract the growing population of retirees that do not want to leave Newton, but rather need to downsize from their current dwellings. The City of Newton has expressed and devoted considerable time and money in making low and moderate income housing a high priority and this spot, the Austin Street parking lot, is just about perfect. This development will bring Newton a step towards the density that existed in Newtonville Square before it was destroyed by the Mass Pike extension 50 years ago. (see Appendix A)

We believe that Newton has a sense of obligation to utilize assets and tax dollars to create economic development and prosperity. The Austin St development can be an extension of those values. This development can be a transition; an opportunity to create an urban environment in a suburban setting. Public transportation is readily available. New citizens who commute to Boston and retirees who do not want to drive can easily live in Newtonville without owning a car. Grocery stores, drug stores, banks and places to meet other daily needs can be found within easy walking distance. Urban areas often have diverse social and cultural environments as well. Those beneficial conditions can be re-established in Newtonville.

And as gasoline hovers around \$4 a gallon, we believe there is growing desire to live in an urban environment without living in a major city. The Mayor and the Aldermen have an opportunity on this project, right here, right now to incrementally change the process of land development and how Newton does business by being proactive and deciding up front what should go on this site, rather than being reactive. To this end, what follows is our groups' agreed upon vision, discussion points and suggestions for the property.

FINDINGS AND RECOMMENDATIONS

The City's determination to provide for the re-use of the Austin Street Parking Lot is principally focused on its potential contribution towards transforming Newtonville's village center into much better place. Achieving "Excellence in Place-Making" is essential to a successful project (see Chapter 2 of that name in the 2007 *Newton Comprehensive Plan*). These are important means by which that outcome might be achieved.

PHYSICAL DESIGN

- The development, including building design and siting, must be compatible with its context, importantly including but not limited to compatibility in visual scale. Since buildings of four or more stories may be essential to achieve all programmatic requirements, meeting the compatibility requirement will require skill and sensitivity in both programming and physical design.
- The required street setback line should be considered as the build-to line for at least a portion of any building's length, with a substantial share of the first floor façade providing visibility from the sidewalk or paths into building interiors, and providing no fewer than three doorways or other pedestrian entrances into buildings or other public areas from Austin Street.
- The development must robustly serve the City's intent expressed at Zoning Section 30-24(d)(5) that, "the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy."
- Similarly, site planning, building design and landscaping must be shaped with sensitivity to privacy on adjoining properties.

HOUSING

- No fewer than 18 housing units shall be included. More units would be welcomed. No maximum number of housing units has been identified, other than as dictated by the site, zoning requirements, and other spatial demands.
- No fewer than 25% of the dwelling units shall restrict resident income eligibility at or below 80% of the Area Median Income, assuring that those units will be eligible for "counting" in the State's Subsidized Housing Inventory that is the basis for determination of community status re Chapter 40B. The City would welcome additional income-restricted units, some of which might be targeted to those households having incomes up to 120% of the Area Median Income provided that the proposal is consistent with the provisions of Newton's Inclusionary Zoning, particularly the definition of "inclusionary units" at Chapter 30-24(f)(1). The City will facilitate developer's efforts to secure financial assistance to provide the affordability shares.

- No fewer than one unit or, if larger, 5% of the total number of housing units shall be constructed to be adaptable for full accessibility for a person having a mobility disability. All units in the development shall be “visitable” by such a person, assuring wheelchair access into the dwelling and to essentials within it such as a bathroom.
- No set mix of units (i.e. one-, two- and/or three- bedrooms) or tenure (rental or sale) or type (e.g. elderly) is mandated. The Developer must indicate the contemplated tenure and mix of dwelling unit sizes and be prepared to demonstrate the market need for them.

ENLIVENING USES

- A key City intention for the development of this site is that it should bring enlivenment and added vitality to the Newtonville village center, benefitting not only those who occupy the site but others, as well, including nearby businesses and residents. As one element in meeting that intention, the development must be designed to include at least 5,000 square feet of flexible floor area for uses that would draw non-residents to the vicinity over a range of hours that include the evening. Any of many potential types of use might meet that intention, ranging from retail sales and services to community arts activity. The design should reflect the likely changes in such uses over time.

OPEN SPACE

- At least 5% of the development parcel area shall be open space benefitting either or both occupants of the site and the broader vicinity. The creation of a public outdoor gathering space, such as that in Newton Highlands at Lincoln and Hartford Streets, is an admirable local example. In applying for selection, potential developers should provide a plan illustrating how they would address this intention, including enhanced connections with offsite places and amenities, and illustrating how the open space can complement the uses described above in adding to the vibrancy of the village center.

PARKING

- The development must provide at least 85 public parking spaces, a rule that was a condition of the space being made available for sale or lease.

This requirement, coupled with others below, means that accommodating all of the functionally needed and required parking will necessitate some amount of structured parking below and/or above grade, which in turn means that more development than otherwise will be needed to support the cost of structured parking.

- The development must accommodate all of the parking demand from mixed-use development on the site and continue to serve all of the other parking demands currently being served on the site, using contemporary parking management approaches to reduce the necessary number of parking spaces.
- The necessary number of parking spaces per dwelling unit or per 1,000 square feet of floor area in non-residential uses will depend upon the housing types (e.g. senior or not) and sizes (e.g. number of bedrooms) and on parking management approaches as contained in developer proposals, rather than on numerical ratios to be stipulated in the RFP. Approval on that basis will require special permit approval by the Aldermen in the likely event that the number of spaces proposed above the 85 public spaces falls below the specifications of the Newton Zoning Ordinance.

INFRASTRUCTURE

As a condition of being awarded use of this site, the developer will be expected to contribute to the planning for and financing of improvements to the community infrastructure that supports it. To the extent feasible, the City should perform initial explorations in order to scope what those improvements are likely to entail, and to clarify how the resultant costs are proposed to be shared among the City, the developer, and possible third parties. The types of infrastructure include the following.

- Redesign and reconstruct the Austin Street/Walnut Street/Newtonville Avenue intersection(s) to improve upon the present level of service and safety for motor vehicles, bicyclists and pedestrians.
- Redesign streetscape on the south side of Austin Street, removing unwanted trees and other landscaping materials. All landscape work shall follow the guidelines of the Newton Tree Manual and be approved by the Newton Urban Forester and the Newton Tree Commission. Plant species selected shall tolerate urban pollution and soil compaction, thrive in Austin Street's specific site conditions, and add to the City's species diversity goals. Employ current urban tree planting methods such as continuous tree pits, grouped plantings, and permeable pavements.
- Upgrade water, sewer, gas and electric service such that the present level of service will be maintained after service to new buildings and activities has begun, with a preference for undergrounding of cable utilities along Austin Street across the frontage of this property.
- Stormwater management provisions to meet all City requirements.

ZONING

- The site should be rezoned to B-4 district, since no other district can accommodate the range of uses and dimensional needs for good usage of this site

without reliance on a PMBD overlay. Foreseeable development is not expected to utilize the whole building envelope which that zoning district allows.

- Rezoning should be acted upon by the City prior to the RFP being sent out in order to provide regulatory certainty to developers.

Members noted that one or more special permits will inevitably be required for the development of the site.

DEVELOPER SELECTION AND AGREEMENTS

- Developer selection should be based not only on what the developer offers in financial terms but also on other specified considerations. An illustration of how information about that might be gained from applicants is noted below.
- The financial considerations in the selection should include a quantification of each proposal's direct and indirect impacts on municipal costs and revenues over some stated period, perhaps ten years. The fairness of that consideration would be enhanced if the impact estimates for each proposal could be measured using agreed-upon base information about costs and revenues related to development in this City and the use of a common model for making the estimates, such as that currently being developed by the Economic Development Commission.
- The Agreement with the City will set forth the business terms of the relationship between the City and the Developer, including without limitation the terms for the sale or lease of the property, sub-division if needed, estimated project costs, responsibilities of each party, and parking management.
- Rights to the site will expire if construction does not begin within two years from the date the Developer's Agreement with the City is signed.

MECHANICS OF DEVELOPER SELECTION

Developer selection should not be based upon a single consideration, such as how much the developer is willing to pay for the site, since the City's interest in reuse of this site is motivated by much more than just a one-time revenue gain. However, assessing applicants over an array of considerations is difficult, especially in a case such as this where the potential gain for developers is not large enough to warrant asking them to submit complex applications simply in order to be considered for the project, such as submitting a design and specifications to be weighed in an open competition. In light of that, the Request for Proposals might ask for the applicants to describe their potential approach to the project in a way allowing comparisons across them but without requiring the depth of information that would be required for a submittal to a design competition. They might be asked to describe the following.

- A. The development team: the developer(s) and any other committed participants, such as architects, landscape architects, attorneys and marketing consultants.

- B. The development concept: the initial uses to be accommodated, and the approximate allocation of floor and site area among them; sources for financial support, if any, and (if the City is then open on this) preference regarding ownership versus leasing of part of or the entire site, and role regarding ownership and management of parking facilities and open areas.
- C. The number, size, affordability level, and tenure of dwelling units.
- D. Indication of how their team and development concept would address each of the most important qualities which are being sought, as agreed upon by the JAPG members. Shortly before completing this report, members of JPAG identified eight attributes of development on this site that would most importantly contribute to achieving what is sought, and then were surveyed regarding the relative importance of those items to each other. Each member was given five votes, and allowed to put not more than two votes on any one consideration¹. These were the results, listed in descending order by votes (in parentheses).
- How well the development succeeds in attracting people to and enlivening the area (14).
 - Architectural design that would be appealing (12).
 - Affordable housing that well serves the City's objectives (11).
 - Design that is compatible in scale with its context (10).
 - A project that is likely to be physically, financially, and politically feasible (9).
 - Open space that is appealing (3).
 - Net fiscal benefits for the City (2)
 - Contribution to the efficient use and conservation of natural resources and energy (1).
- E. Background information on the members of the development team, including their successful experience with similar efforts (2).

Submittal of graphic submittals is encouraged but not required as a way of illustrating how applicant's concepts for this site and experience might illustrate successfully addressing the above listed qualities.

With that information, City staff with assistance from the City's various departments and advisory committees should be able to objectively assess in broad terms the relative strengths and weaknesses of the applications regarding each of the considerations being weighed. Following that, those applicants judged by the Aldermen to be most likely to provide a reuse that well meets the City's interests would then be invited for an

¹ A ninth item (dealing with qualities of the developer's team) was also identified and included in the survey, getting two votes, as noted later at item E..

interview, following which its recommendation to the Mayor regarding a selection of developer would be made by vote.

MATTERS FOR CITY CLARIFICATION PRIOR TO AN RFP

There are a number of matters that should be resolved or clarified by the City prior to issuance of an RFP. These are among them.

- Preparation of a property map. A physical survey of the parking lot was made last year, but it does not show property or easement lines. Such site information is essential for those preparing proposals for its use.
- Resolution of major regulatory questions, including the status and handling of Philip Bram Way. Conflicting oral statements have been provided regarding the legal status of that way, which could have a major impact on potential site designs. In addition, some uncertainties regarding applicability of certain zoning provisions have been identified and should be clarified². For example, there is no language in the Newton Zoning Ordinance that specifies how the required lot area is to be determined where both commercial and residential uses are proposed on the same lot.
- Determination of whether the entire parcel is to be sold or leased to the developer, including Philip Bram Way (which could powerfully affect building setback on the east end of the parcel and, perhaps, the street setback). The JAPG members, after brief discussion, strongly supported conveyance of the entire parcel, with access over its east end assured through an easement or other permanent restriction.
- Resolution of the legality and favorability of the various options available regarding sale or lease of the property, in part or in whole, public or private management of the public parking, and public versus private financing for various elements of the development, including availability of and eligibility for state or federal financial support, and limitations upon the use of municipal general revenue bonds.
- Determination of how to provide for the function of the Goodwill trailer which for many years has occupied a small part of this site.
- Clarification of what the elements of the public/private partnership are to be. The City should clearly identify its participation: there are a lot of "asks" for the private developer, and some of this work should be provided by the City.

² See memos such as P. Herr to Zeren, Tapper & Leader, "Austin Street Municipal Parking Lot Setbacks," May 27, 2011; and HAPI memos "Mixed-Use Friendly Zoning," October 22, 2009, items 4, 5 and 6; "Zoning Dimensional Regs and Mixed Use Development," August 14, 2009; and "Section 30-15 Table 3 Conflicts and other Technical Issues," October 22, 2009..

“OUTSIDE THE BOX” CONSIDERATIONS

As has been true with others who have examined potentials for this site, JAPG members raised a number of considerations that were beyond the scope of reuse of this site, but which might merit exploration at some later point. These are among them.

- Incorporation of additional properties into the development. There may be engaging opportunities for development on nearby sites potentially made feasible were the parking lot development to include or in some way interconnect with them. With a larger geographic scope, the objectives being pursued through this development might be even better served than is possible when development is confined to just this one site, as is now the case.
- Linkage with non-contiguous locations off-site for realizing some of the functions sought through development, perhaps akin to the provisions of the City’s inclusionary zoning allowing linkage to off-site affordable units.
- Circulation changes. Among the potential changes that have been suggested is to make Austin Street and Highland Avenue into a one-way pair, such as Austin westward and Highland eastward, or closing Austin Street somewhere west of the parking lot, creating two two-way cul-de-sacs.

APPENDIX A: WHERE WE ARE COMING FROM

Newtonville Square did not arrive whole as we now find it. It started as a TOD, Transportation Oriented Development. In the beginning there was the railroad:

“A rail line that connected to the Charles River Railroad at Brookline was laid out through Newton Upper Falls in 1852, and with this direct link the village thrived - and the railroad, rather than the river, became the new magnet for attracting factories and businesses. By 1886 the Boston and Worcester had merged several lines to become the Boston and Albany Railroad, and built a circular line. The main line through Newton Corner, Newtonville and West Newton was connected to the southern line, called the Highland Branch that ran from Brookline to Riverside. New stations were built at Woodland, Eliot, and Waban. The Circuit Railroad started a residential boom in Newton that continued up to World War I.

“As the farm fields were divided into suburban streets lined with homes, horse-drawn trolley lines reached out from the depots to cast a transportation network over the city. Washington Street, Watertown Street, Walnut, Homer, Center, Beacon, and Commonwealth all had trolley lines running over them.”



Newtonville started as a Transportation Oriented Development. The “Hammond Real Estate” of its day touted living in Newton “without your teamster”. You did not need a horse and carriage, and the teamster; you could commute via modern electric transportation or commuter rail into downtown Boston. There was a trolley line that ran the length of what was then Rt. 128 from Lexington Square to Waltham, through Newton on Walnut set, crossing Commonwealth Ave (The B line) Crossing Rt. 9, which had the Boston and Worcester St. Railway along Rt. 9, and all the way to Dedham.

From Newtonville you could get anywhere, and people wanted to live and prosper here. The mixed use development of its time flourished, with retail on the first floor and apartments up above, along with single use apartment buildings and a bevy of two and three family houses. In short, density that was appropriate to a village setting that was dependent on public transportation.

Star Market, Woolworths, Brigham's, Dangle Music, 5 Drugstores, a Kosher Meat Market, two bakeries, Cottage Donuts, a multitude of small diners and bars all thrived in Newtonville Square. That is, up to:

Effects of the Mass Pike:

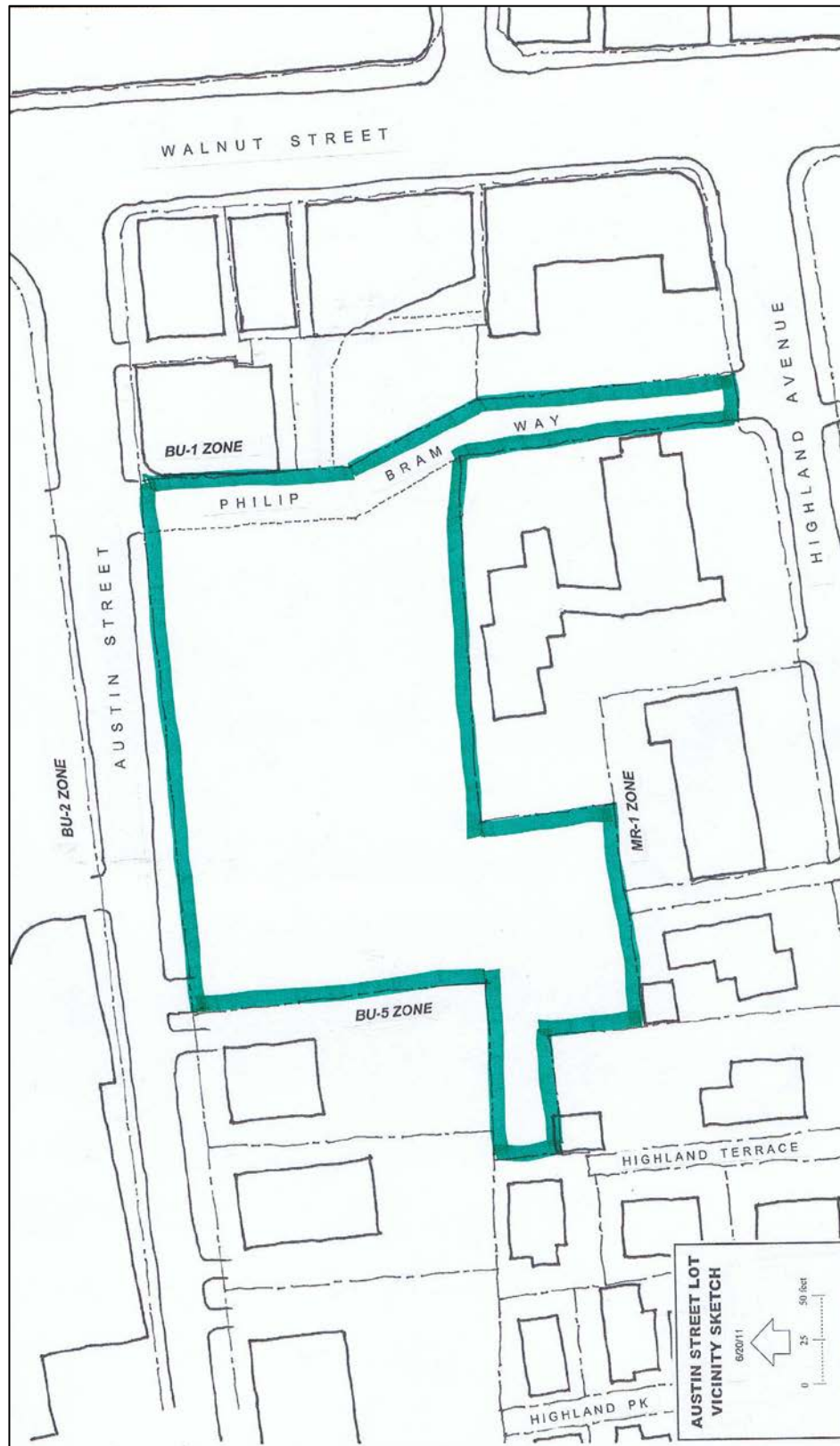
And this is from the History of the Massachusetts Turnpike Authority's website:

“In the fall of 1958, Commissioner Callahan cleared another major stumbling block. The original charter of the Massachusetts Turnpike Authority required that the MassDPW, an agency that had grown somewhat antagonistic to Callahan's desires, approve any alignment. Fortunately for Callahan, Anthony DiNatale, the new MassDPW commissioner and a close acquaintance of the Turnpike commissioner, was heavily involved in other projects around the state. Seeking an expeditious resolution, DiNatale approved the alignment of the Boston Extension along the Boston and Albany railroad right-of-way to the Central Artery. It appeared that construction of the turnpike would be imminent, and that the worst fears of those who lived along the route in Boston and Newton would be realized.

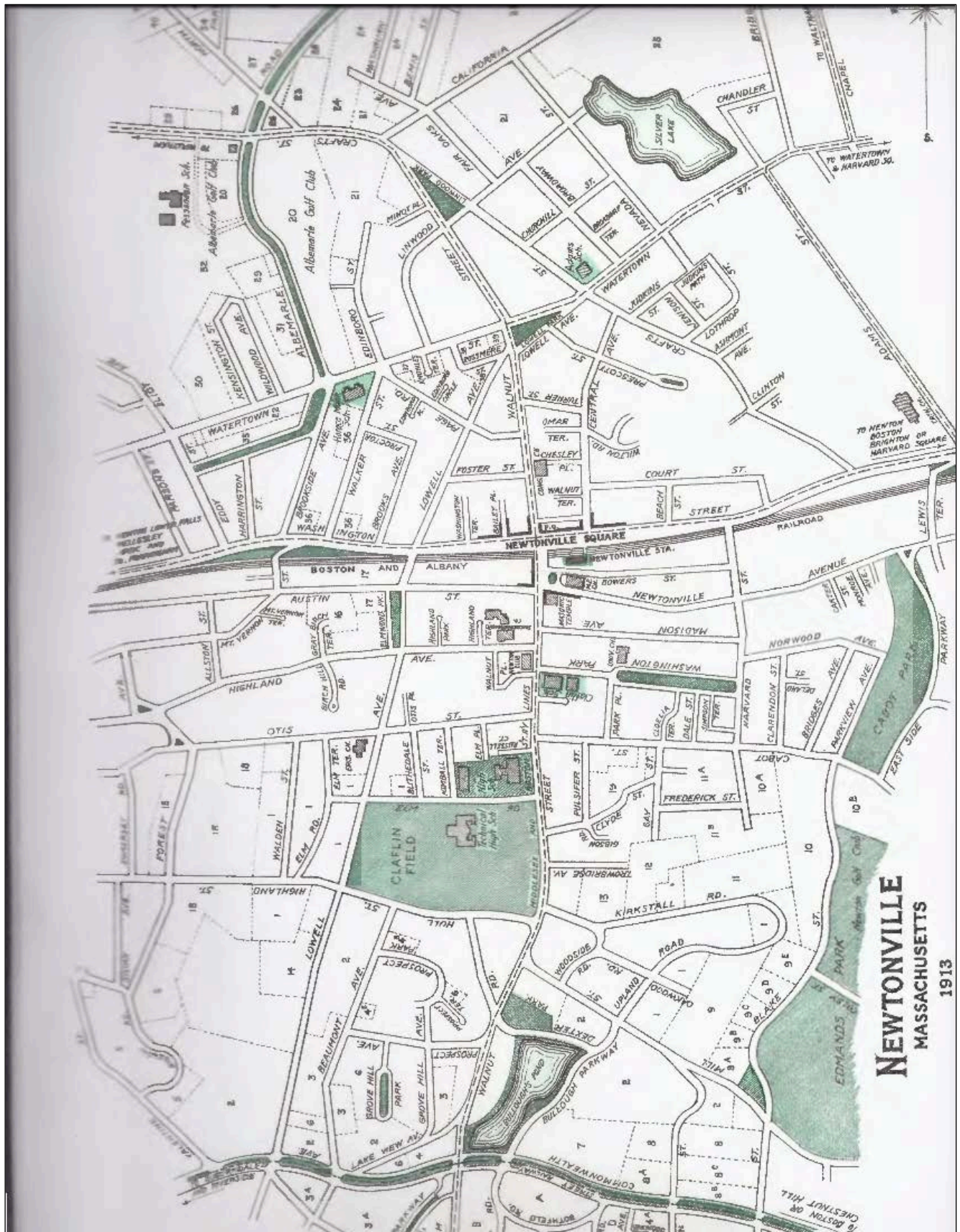
By January 1961, (Transportation Secretary) Volpe yielded to Callahan, admitting that it "was a choice between the Prudential and the freeway." One month later, Mayor Donald Gibbs, who stood alone in his opposition to the Turnpike through Newton, caved in and entered negotiations with the Massachusetts Turnpike Authority to leverage some concessions, including air rights over the Turnpike and dropping plans for a service area in Newton. The Newton-Boston route was to be constructed as a toll road.”

So, what we have in Newtonville Square was pre-ordained back in 1961. For 50 years, we have endured, or perhaps, grown used to having a square that works for some people, but not for all. And the low and moderate income housing that populated the Square disappeared with the Mass Pike Extension. And many of those people who brought vitality and commerce to Newtonville left, leaving us with a parking lot.

APPENDIX B: AUSTIN STREET LOT VICINITY SKETCH



APPENDIX C: NEWTONVILLE, 1913





Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

ATTACHMENT C

(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

MEMORANDUM

DATE: June 20, 2011

TO: Board of Aldermen
Mayor Setti D. Warren

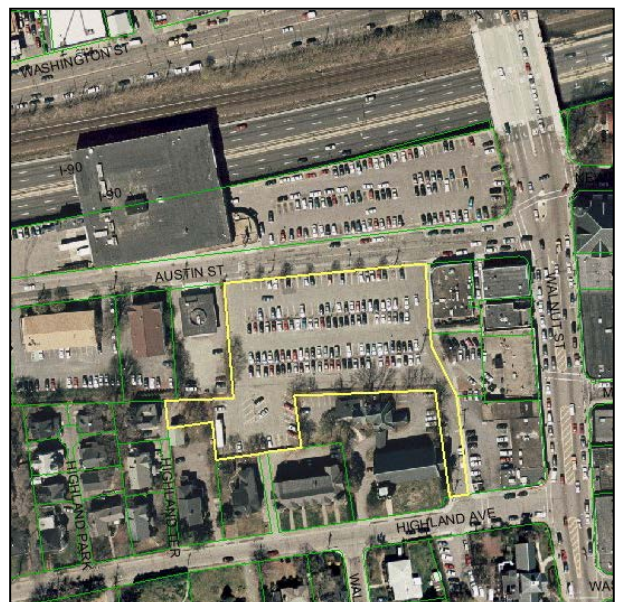
FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning

SUBJECT: Potential Reuse of Austin Street Parking Lot

Cc: Robert R. Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
Dave Turocy, Commissioner of Public Works
Members of the Joint Advisory Planning Group

EXECUTIVE SUMMARY

In March, the Real Property Reuse Committee recommended and the Board of Aldermen approved the appointment of a 14-member Joint Advisory Planning Group (JAPG) to recommend reuse options for the City-owned parking lot on Austin Street in Newtonville. After meeting for 3 months, the JAPG produced a report recommending a project that is compatible with the scale of the existing village; provides at least 85 parking spaces for public use; includes affordable housing units to be added to the State's Subsidized Housing Inventory (SHI); and, most importantly, enlivens the village center with activities and uses that bring people to Newtonville at different times of the day – especially in the evening when the existing commercial village center now shuts down.



For the most part, the Planning Department agrees with the JAPG report. However, the JAPG is less concerned than Planning staff about the potential revenue to the City in return for the right to reuse the site; the subject parcel is a valuable asset for the City and the Planning Department believes that any disposition of it should result in significant revenue to the City. That said, revenue does not need to come from a lump sum at the outset; long-term economic benefits to the City should also be taken into account, e.g., through infrastructure improvements or increased tax revenue, if they can be convincingly shown.

In addition, both the JAPG and the Planning Department hope that an appropriate development on the City-owned parcel will encourage private property owners in the village to redevelop their own sites to complement the Austin Street project. The Planning Department supports the consideration of mechanisms, such as an overlay zone and/or district improvement financing (DIF), to allow for additional improvements to the village, which will further enliven the area and contribute to the City's tax base, and the issuance of an RFP to elicit proposals for the site from the development community.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When deciding whether to issue a Request for Proposals (RFP) for the disposition of the Austin Street parking lot, the Board should consider whether the reuse of this site would:

- act as a catalyst for the enlivenment of the Newtonville village center;
- add significant revenues to the City, either in the short- or long-term or, preferably, both;
- assist the City in meeting its goal for affordable housing as stated in the *2007 Comprehensive Plan*; and
- provide adequate parking spaces to satisfy both the current demand, as well as the increased parking demand expected with a new development.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the south side of Austin Street within the Public Use zone and reuse of the property for other-than-public uses would require a rezoning. In the immediate area, the lots to the east of the site are zoned BU1, as are the properties along Walnut Street. Most of these properties are improved with single-story structures (with the notable exception of the Masonic Hall along the east side of Walnut Street, which stands four-stories tall, but is considerably taller than a modern four-story building would be). To the west of the site, the lots are zoned BU5, a little-used zoning district that allows primarily professional offices and banks and little else (retail stores and restaurants are not allowed either by-right or by special permit). These sites are currently

gas stations, auto-repair shops, car dealerships and drive-in fast food restaurants are permitted in the BU2 zone – hardly the vision we see for Newtonville.

Keeping all these things in mind, the BU4 zone most closely resembles what we envision for this site and the limits are just that ~ limits that may not be exceeded and to which development is not required to achieve. As the property owner, the City could limit the height and uses allowed on the site to only those believed to meet its goals for the area.

B. Site

The subject site totals approximately 1.7 acres and has its frontage on the south side Austin Street in Newtonville. The primary use of the property is as a public parking area with 159 spaces. The City acquired the site in 1947 through eminent domain for use as a parking lot. Previously, there were residences in this location. A Goodwill trailer, used to receive donated clothing and other goods, is located in the southwest corner of the site. The property also includes the area marked as “Philip Bram Way,” which is not a City street, but is currently used for vehicular access to the parking lot as well as to the rear of several businesses fronting on Walnut Street. It is anticipated that “Philip Bram Way” will continue to be used in this manner in the future.

III. **PROJECT DESCRIPTION AND ANALYSIS**

A. Land Use

The JAPG’s vision for the property calls for a building that is predominantly housing, but also contains nonresidential space at street level that will enliven Newtonville during the day and night. In addition, the JAPG recognizes the need to provide 85 public parking spaces on-site in addition to the parking needed for the proposed development. The JAPG believes that a parking waiver may be appropriate to reduce the total number of parking spaces on-site after taking into account shared-parking practices. In general, the Planning Department agrees with these concepts.

However, the JAPG did not specify particular use(s) for the nonresidential space only that it function to add vitality to the area. The Planning Department believes that in order to enliven the area and make the project financially beneficial for the City, a minimum of 5,000 square feet of first floor commercial space is necessary. In addition, the Department strongly recommends that the first floor uses be ones that activate the streetscape with transparent windows, outdoor displays and/or sidewalk cafes.

B. Open Space

The JAPG recommends that 5% of the site be devoted to open space. This requirement may be met by small pocket parks or pedestrian ways in and around the site and need not be in one contiguous portion of the site. The Planning Department agrees with this recommendation.

C. Affordable Housing

The JAPG is also extremely interested in having a development on this site that will help the City meet its goals for housing that is affordable to low- and moderate-income residents, with at least 25% of the housing units restricted to residents with income at or below 80% of the Area Median Income. This would ensure that all of those units would be eligible for inclusion on the State's Subsidized Housing Inventory (SHI). The group would encourage further units to be targeted to households earning up to 120% of the Area Median Income.

While this 1.7-acre lot may be larger than those in the immediate area, much is being requested of a potential developer in terms of public amenities or uses on-site (public parking, affordable housing, open space and infrastructure improvements discussed later in this report) in return for the development rights. While the City is committed to providing housing for a diverse resident population including low- and moderate-income households, the requirement that 25% of the units be eligible for the SHI may be a challenge to achieve; the City's own Inclusionary Zoning Ordinance only requires that 15% of new housing units be "affordable."

The City must prioritize these requests and balance them to ensure a financially feasible project. Alternatively, the City could commit to working with the developer to secure outside funding in the form of CPA grants for affordable housing and open space or federal funding through the HOME program for community housing. This may shift some of the financial responsibility for these City priorities off of the developer and allow for a better project all around.

D. Building and Site Design

The JAPG rated the site and building design as one of its most important issues. Chief among the JAPG's concerns is that any building on the site respect the scale of the surrounding neighborhood and be compatible with its context. In addition, the group recommended locating at least a portion of the building up to the front setback line in order to ensure a connection between the structure and pedestrians on the sidewalk. The Planning Department agrees with these design principles. In addition, the Department recommends that parking be prohibited between the building and the sidewalk to further ensure that the

pedestrian experience is not interrupted by vehicular traffic and to sustain the rhythm of a continuous storefront.

E. Infrastructure

The site is currently accessed exclusively by Austin Street and a narrow connection (informally designated “Philip Bram Way,” but not deeded or laid out as such) to Highland Avenue. The City should conduct baseline traffic counts at intersections in the area that are likely to be affected by a new development (in particular Austin St./Walnut St./Newtonville Ave. and Austin St./Lowell Ave). Likewise, a baseline study of the site’s water and sewer capacity is necessary and soil tests to determine whether there is contamination should be done. While these studies may cost the City money in the short-term, the long-term benefits of conducting these studies in advance of issuing an RFP will be measurable as we will be giving a potential developer important information necessary to accurately assess the site for the best future development and so long as they don’t unduly delay to development and release of an RFP.

In addition, it has been assumed that any project on this site will require a special permit from the Board of Aldermen, whether it be for parking waivers, the size of the building or possible uses. With these infrastructure capacity baselines established, the Board will be able to appropriately require an applicant to make infrastructure improvements that will mitigate a project’s impacts in these areas.

IV. DEVELOPER SELECTION

The JAPG spent a considerable amount of time discussing their interest in choosing a development team based on how their proposed project meets the JAPG’s preferred goals and objectives for the site. While the selection of a developer is at the discretion of the Mayor, the Planning Department agrees that some criteria should be established in order to objectively compare competing projects in an effort to determine which will best for the site, the neighborhood and the City.

The group ranked “attracting people to and enlivening the area” as its top criteria for a project, followed closely by “meets the City’s goals for affordable housing,” “architectural design” (both appealing and compatible in scale), and “a physically, financially and politically feasible project.” Interestingly the factors that were not considered priorities by the group included “open space,” “environmental sensitivity and energy efficiency,” “net fiscal benefits to the City,” and the “track record and credentials of the development team.”

The Planning Department agrees with the JAPG's top priorities and also finds the other factors important. As an urban space, it may not be appropriate to include a large park, though modest usable open space could be created. In addition, the City's Zoning Ordinance already requires a substantial contribution to energy efficiency for projects of a certain size, which any development on this site is likely to exceed, so environmental concerns will be addressed through the special permit process as well as by the Stretch Code. The Department strongly believes that the net fiscal benefits to the City of a project on our land, whether short-term, long-term, must be taken into consideration. Finally, it is hard to imagine judging a project to be financially and politically feasible without closely examining the resources of the development team.

V. RECOMMENDATION

The Planning Department recommends that the Board of Aldermen direct the Department to develop and issue an RFP for reuse of the Austin Street parking lot consistent with the recommendations of the JAPG and Planning Department.